

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID R. KAUFFMAN,	:
Plaintiff	:
v.	: Case No. 3:23-cv-239-KAP
BARRY SMITH, <i>et al.</i> ,	:
Defendants	:

Memorandum Order

Plaintiff filed objections at ECF no. 24, appealing from my order at ECF no. 20. The Clerk shall assign a district judge to preside with the reference to me for pretrial proceedings, and shall notify the presiding judge of the appeal.

Regardless of the outcome of the appeal from that nondispositive order, where things stand is this: plaintiff eventually provided service copies of the complaint and the service paperwork has been forwarded to the Marshal. Service and the time for service is now the Marshal's responsibility: plaintiff does not need to file motions or additional motions to extend the time for service. Plaintiff is not proceeding *in forma pauperis* but he also wants to be relieved from paying the cost of service. He cannot do that without a showing that he is indigent, so that motion is denied without prejudice: plaintiff needs to submit a motion to proceed *in forma pauperis* including an inmate account statement for the most recent six months.

With that explanation, the following motions are terminated: ECF no. 25 (clarification granted), ECF no. 27 (denied as unnecessary), ECF no. 26 and ECF no. 28 (denied without prejudice to filing a motion for leave to proceed *in forma pauperis*).

As before, plaintiff can appeal from this nondispositive order to the presiding district judge.



DATE: April 9, 2024

Notice by U.S. Mail to:

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Keith A. Pesto,  
United States Magistrate Judge